HIGH COURT OF UTRARANCHAL AT NAINITAL

Civil Contempt Petition No. 137 of 2006

1. Smt. Usha Sah.
W/o Late Sri Bharat Lal Sah.
2. Sri Ashok Sah,
S/o Late Sri Bharat Lal Sah.
3. Sri Alok Sah,
S/o late Sri Bharat Lal Sah.
All Residents of Fern, Cottage,
Ayarpatta, Mallital, Nainital.
4. Smt. Pratibha Gangola,
W/o Dr. D.P. Gangola
R/o Spring Cottage,
Mallital, Nainital.
5. Smt. Subha Sah,
W/o Sri S.K. Sah,
R/o Melross Compound,
Mallital, Nainital. ....Applicants.

Vs

Soban Singh Ramola,
S/o Sri Dharam Singh,
R/o Fern Cottage,
Out House, Ayarpatta,
Mallital, Nainital. ....Respondents

Dated: - 17-05-2006

Hon'ble B.S. Verma , J.

Heard Sri Sarvesh Aggarawal learned counsel for the applicants.

The respondent had filed the Civil Misc. Writ Petition No. 3849 (M/S) of 2001 Sri Soban Singh Ramola Vs. District Judge, Nainital before the High Court on 26-2-2004. The respondent Soban Singh Ramola had given an undertaking before the High Court that he will vacate the premises within two years.

In paragraph 6 of the affidavit, the petitioners have stated that the two years period has expired on 26-2-2006 but the respondent has not vacated the premises and has not handed over the vacant possession of the premises in dispute to the appellants.

The writ petition was filed against the judgment and decree dated 29-4-2000 passed by Judge and Small Cause Court being S.C.C. Revision No. 5 of 2000 and order dated 6-6-2000 was passed by District Judge, Nainital in S.C.C. No. 5 of 2000.

If the respondent has not handed over the possession to the petitioners, the petitioners may file execution application before the Small Cause Court for taking possession according to law.

The Contempt petition is dismissed in limine.

However, liberty is given to the petitioners to file execution suit before the Executing Court.

(B.S. Verma, J)

Date:- 17-5-2006
M.K